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Department of Regulatory Agencies

COLORADO BOARD OF CHIROPRACTIC EXAMINERS

OPEN SESSION MINUTES

January 23, 2014

One Civic Center Plaza
1560 Broadway, Suite 1250 C
Denver, CO 80202

www.dora.colorado.gov/professions/chiropractors

WELCOME AND ATTENDANCE

The Colorado State Board of Chiropractic Examiners meeting was convened in the Civic Center Plaza Building, 1560 Broadway, Conference Room 1250C, Denver, Colorado 80202 at 9:30 a.m., by Board President Marshall Snider.

Present, in addition to Board President Marshall Snider, Public Member, were Board Members:

Richelle Knowles, D.C., Professional Member – Vice President
Julie Scott, D.C., Professional Member – Secretary (left at 1:15 P.M.)
John Hanks, D.C., Professional Member
Michelle Wendling, D.C., Professional Member
Randy Knoche, D.C., Professional Member (arrived at 10:15 A.M.)
Heather Tarning, Public Member (arrived at 9:45 A.M.)

Staff Present:

Lisa Hill, Interim Program Director
Robert Finke, Assistant Attorney General
Ronne Hines, Deputy Director for Healthcare
Nancy Werner, Program Specialist
Melissa Garner, Expedited Settlement Specialist

REPORTS AND OPEN FORUM

- Lisa Hill, Interim Program Director, Colorado Board of Chiropractic Examiners, introduced the two Board Members, Dr. Randy Knoche, D.C. and Heather Tarning.
- Ronne Hines, Deputy Branch Director, addressed the transition in the Division and staffing.



Dora

Department of Regulatory Agencies

- Vineta Campau, Executive Director, Colorado Chiropractic Association (CCA), updated the Board on state legislative session pertaining to chiropractic issues of equal co-pays, ongoing workman's compensation reform, and the proposed changes from temporary to permanent issue of handicapped placards.
- There were no additional comments from the public.

ADDITIONS

All agenda additions have been incorporated into these meeting minutes.

REGULAR BUSINESS MATTERS

- A motion was made, seconded and carried to approve the Minutes from the November 14, 2013 Open Session Board meeting as amended.
- **ADMINISTRATIVELY APPROVED APPLICANTS:**
A motion was made, seconded and carried to ratify all items from November 4, 2013 to January 2, 2014 pursuant to Board Policy 10-10.

MONITORING ACTIVE STIPULATIONS REPORT:

The Board reviewed the Active Stipulations Report.
No additional action required.

LICENSING MATTERS

- Dr. Megan Fowler, D.C. (CHR6999) – Animal Chiropractic Authority/Credential
A motion was made, seconded and carried to table Dr. Megan Fowler, D.C.'s application for Animal Chiropractic Authority and refer the matter to the Colorado Board of Veterinary Medicine for review.
A motion was made, seconded and carried to delegate to the Interim Program Director to take approved action.
- Dr. David Hughes, D.C. (initial) – Application by Examination
After review of the application, a motion was made, seconded and carried to grant Dr. David Hughes, D.C. a Colorado chiropractic license.
- Dr. Daniel Knechtel, Jr., D.C. (initial) – Application by Examination
A motion was made, seconded and carried to move Dr. Daniel Knechtel, Jr., D.C.'s application to executive session for legal advice and potential disciplinary action.
In open session, a motion was made, seconded and carried to deny the application.



Dora

Department of Regulatory Agencies

- Dr. Jennifer Walker, D.C. (CHR5685) – Acupuncture Chiropractic Authority/Credential
After review of the application and letter from her attorney, a motion was made, seconded and carried to approve Dr. Jennifer Walker, D.C.'s Acupuncture Chiropractic Authority once she passes a nationally recognized examination pursuant to Board Rule 17.

OLD BUSINESS

- Review proposed revisions of Board Rules 1, 3, 4, 6, and 13
Board reviewed drafted revisions to Rules 1, 3, 4, 6, and 13 for potential future Rule Making.
- Letter to Board from Dr. Michael Nehring, D.C. (CHR2249)
After review and discussion, a motion was made, seconded and carried to delegate authority to the Interim Program Director for a response to Dr. Michael Nehring, D.C.'s letter dated October 21, 2013.
- Review of proposed changes to Board Policies 10-5, 10-9 (repeal), and 10-10
A motion was made, seconded and carried to approve changes to Policy 10-10 only.
- Review of Board Policy 30-13
A motion was made, seconded and carried to repeal Policy 30-13 effective January 23, 2014.
- Continuing Education Requirement Audit
A motion was made, seconded and carried to table a continuing education audit pending Interim Program Director's research of Division procedure and additional information.

NEW BUSINESS

- Discussion of Expert/Consultant application and OI referral list of expertise
After review of the drafted consultant application and specialty/expert training lists, the Board provided guidance to the Interim Program Director for consultant application form revision.
- Discussion of Compliance Reviews
After discussion, the Board provided guidance to the Interim Program Director on Board member's monthly rotation of compliance review matters.
- NBCE Examination, Part IV Practical Board Reviewer
Professional Board Member Julie Scott, D.C. volunteered to be a reviewer.
- Board Delegate to FCLB Annual Congress/NBCE Annual Meeting



Dora

Department of Regulatory Agencies

After discussion, a motion was made, seconded and carried to send Professional Board Member Michelle Wendling, D.C. as the Board's delegate and Professional Board Member Randy Knoche, D.C. as the Board's alternate delegate to the annual FCLB Congress and NBCE meeting.

- **Dry Needling Discussion**

After review and discussion, the Board noted the submitted letter from Field Jerger, LLP, Article from the Federation of State Boards of Physical Therapy (FSBPT) and Memorandum from the American Physical Therapy Association (APTA) regarding dry needling and took no action.

COMPLIANCE MATTERS

- **Dr. David Arthur, D.C. (CHR5465) – Stipulation and Final Agency Order**
After review and discussion, a motion was made, seconded and carried to retroactively approve Dr. David Arthur, D.C.'s twelve (12) hours of continuing education courses per his Stipulation and Final Agency Order.
- **Dr. Cody Golman, D.C. (CHR5717) – Stipulation and Final Agency Order**
After review and discussion, a motion was made, seconded and carried to terminate Dr. Cody Golman, D.C.'s Stipulation and Final Agency Order.
- **Dr. Steven Sauer, D.C. (CHR3800) – Stipulation and Final Agency Order**
A motion was made, seconded and carried to refer the case to executive session for legal advice and potential disciplinary action.
- **Dr. Michael Sutter, D.C. (CHR5615) –Final Board Order**
After review of submitted request, a motion was made seconded and carried to deny Dr. Michael Sutter, D.C.'s proposal to amend the terms of his Final Board Order.
- **Dr. Lawrence Sutton, D.C. (CHR1421 expired) – Stipulation and Final Agency Order**
After review of submitted document, a motion was made, seconded and carried to table Dr. Lawrence Sutton, D.C.'s request pending additional information.
- **Dr. Michael Treinen, D.C. (CHR2309) – Stipulation and Final Agency Order**
After review, a motion was made, seconded and carried to terminate Dr. Michael Treinen, D.C.'s Stipulation and Final Agency Order.

EXECUTIVE SESSION

At 12:05 p.m. Board President, Marshall Snider, asked for a motion that the Board enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of



Dora

Department of Regulatory Agencies

pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II), including:

The legal basis for potential disciplinary action, and where warranted, recommended settlement guidance for matters discussed in open session today and referred for discipline and discussion as well as legal guidance in executive session, specifically agenda items for:

- Dr. Steven Sauer, D.C.
- Dr. Daniel Knechtel, Jr., D.C.

and matters required to be kept confidential by federal law or rules and state statutes pursuant to Colorado Revised Statutes, section 24-6-402(3)(a)(III). Pursuant to 42 Code of Federal Regulations Part 2, regarding drug and alcohol treatment records of a licensee whose identity and treatment information is confidential.

There was a motion, which was seconded. The vote was unanimous with at least two-thirds of the membership of the board approving the motion to go into Executive Session and none opposing.

By unanimous agreement, the Board exited the Executive Session at 12:27 p.m. and reconvened in open session.

OPEN SESSION

Board motions made in open session for matters referred to executive session are noted above, if applicable.

ADJOURN

The Board formally adjourned the meeting at 12:43 PM. The Board will reconvene on March 13, 2014 at the Civic Center Plaza Building, 1560 Broadway, Conference Room 1250 C, Denver, CO 80202, at approximately 9:00 AM.

As Board President, I attest that these minutes of the open public meeting of the Colorado State Board of Chiropractic Examiners substantially reflect the substance of the discussions and actions taken related to matters under the authority of the Board in compliance with § 24-6-402, C.R.S.



Marshall Snider –President



Date